

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Eric Black	Team: Team # 3	CCRB Case #: 201101195	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 01/13/2011 8:00 PM, Tuesday, 01/25/2011	Location of Incident: § 87(2)(b)	Precinct: 71	18 Mo. SOL 7/13/2012	EO SOL 7/13/2012	
Date/Time CV Reported Tue, 01/25/2011 7:51 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Fri, 01/28/2011 4:24 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. SGT Michael Falk	00608	923809	071 PCT
2. POM Frank Bulzoni	02681	936258	071 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Douglas Ayres	02325	936160	071 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Frank Bulzoni	Discourtesy: PO Frank Bulzoni spoke obscenely to § 87(2)(b)	§ 87(2)(b)
B.POM Frank Bulzoni	Abuse: PO Frank Bulzoni threatened § 87(2)(b) with the use of force.	§ 87(2)(b)
§ 87(4-b) § 87(2)(g)	§ 87(2)(g)	§ 87(2)(g)

Case Summary

On January 25, 2011, § 87(2)(b) filed the following complaint by phone with the Internal Affairs Bureau (IAB), log # 11-03560, regarding incidents that occurred on January 13, 2011 and January 25, 2011 (encl. C 1). The case was referred to the Civilian Complaint Review Board (CCRB) and was received on January 28, 2011 (encl. C 3-4). For clarity purposes, the case was separated at the CCRB. This case encompasses the investigation into the January 13, 2011 incident. § 87(2)(g)

On January 13, 2011 at approximately 8:00 p.m., § 87(2)(b) s son, § 87(2)(b) was inside of § 87(2)(b) in Brooklyn and was arrested by PO Douglas Ayers, who was with PO Frank Bulzoni and Sgt. Michael Falk of the 71st Precinct, for § 87(2)(b). The following allegations resulted from the officers' actions:

Allegation A - Discourtesy: PO Frank Bulzoni spoke obscenely to § 87(2)(b)

Allegation B – Abuse of Authority: PO Frank Bulzoni threatened § 87(2)(b) with the use of force. § 87(2)(g)

§ 87(4-b) § 87(2)(g)

Due to the resignation of Investigator Nicole Weinstock, this case was reassigned to Investigator Eric Black on July 21, 2011.

Results of Investigation

Civilian Statements

Complainant: § 87(2)(b)

- § 87(2)(b) is a § 87(2)(b) old, 5'2" black female with black hair.

On January 25, 2011, § 87(2)(b) called 911 to report this complaint and subsequently spoke with IAB (encl. C 1). § 87(2)(b) did not witness the incident that occurred on January 13, 2011, but was reporting it on behalf of her son, § 87(2)(b). While § 87(2)(b) reported this incident on January 25, 2011, there was an independent interaction taking place between § 87(2)(b) Sgt. Falk, PO Bulzoni, and additional officers in which § 87(2)(b) did witness. The January 25, 2011 incident is being investigated by the CCRB under case number 201200928.

Complainant/Victim: § 87(2)(b)

- § 87(2)(b) is a § 87(2)(b) -old, 5'6", 190 lbs., black male with brown hair.

CCRB Testimony

§ 87(2)(b) was interviewed at the CCRB on March 3, 2011 (encl. C 12-16). On January 13, 2011, § 87(2)(b) was inside of a building located at the intersection of Midwood Avenue and Flatbush

Avenue in Brooklyn. § 87(2)(b) was on his way to visit a friend on the § 87(2)(b) floor. § 87(2)(b) was on a crowded elevator that took him to the § 87(2)(b) floor. § 87(2)(b) proceeded to enter the stairwell and descend to the § 87(2)(b) floor. While walking down the stairs, § 87(2)(b) observed officers coming down the stairs above him. § 87(2)(b) was afraid so he ran.

PO Ayers, who was identified through the investigation, and PO Bulzoni, who § 87(2)(b) identified by name, pursued § 87(2)(b). § 87(2)(b) was able to read PO Bulzoni's name off of his uniform. PO Ayers was described as a 5'8", skinny, uniformed white male with black hair in his twenties. PO Ayers grabbed § 87(2)(b) and searched him. PO Bulzoni pointed his finger at § 87(2)(b) and stated, "You're a dickhead. I should make you fall for making me run." PO Bulzoni pushed § 87(2)(b) against a banister, handcuffed him, and arrested him for § 87(2)(b).

NYPD Statements:

Subject Officer: PO FRANK BULZONI

- *PO Bulzoni is a § 87(2)(b)-old, 5'9", 160 lbs., white male with brown hair and brown eyes.*
- *On January 13, 2011, PO Bulzoni worked from 3:00 p.m. to 11:35 p.m. PO Bulzoni was dressed in uniform and was assigned to business conditions with Sgt. Michael Falk and PO Douglas Ayers.*

Memobook

PO Bulzoni's memobook stated that at 8:17 p.m. on January 13, 2011, PO Ayres arrested an individual for § 87(2)(b). (encl. D 1-2).

CCRB Statement

PO Frank Bulzoni was interviewed at the CCRB on April 27, 2011 (encl. D 3-6). On January 13, 2011 at about 8:00 p.m., PO Bulzoni, Sgt. Falk, and PO Ayres were conducting a vertical patrol at § 87(2)(b) in Brooklyn. The officers were walking down a stairwell when they smelled marijuana and observed § 87(2)(b) and another individual in the stairwell. § 87(2)(b) and the individual looked at each other after seeing the officers and ran.

The officers ran after § 87(2)(b) and the individual, who split up. The unidentified individual escaped, but PO Ayers was able to apprehend § 87(2)(b) on the fourth or fifth floor of the building. § 87(2)(b) was arrested for § 87(2)(b). PO Bulzoni was not present when this occurred, but stated that PO Ayers searched him incident to an arrest and recovered marijuana. No officer stated to § 87(2)(b) "You're a dickhead. I should make you fall for making me run." § 87(2)(b) was walked out of the building and his arrest was processed without incident. § 87(2)(b) was arrested for § 87(2)(b).

Witness Officer: PO DOUGLAS AYRES

- *PO Ayers is a § 87(2)(b) -old, 6', 150 lbs., white male with brown hair and green eyes.*
- *On January 13, 2011, PO Ayers worked the same tour and assignment as PO Bulzoni.*

Memobook

PO Ayers' memobook stated that on January 13, 2011 there was one arrest at § 87(2)(b) for § 87(2)(b) (encl. D 7).

CCRB Statement

PO Douglas Ayers was interviewed at the CCRB on April 27, 2011 (encl. D 8-10). § 87(2)(g)

On January 13, 2011 at 8:00 p.m., PO Ayers confirmed that after smelling marijuana in the staircase of § 87(2)(b) in Brooklyn, he pursued and arrested § 87(2)(b) for § 87(2)(b). After catching up to § 87(2)(b) PO Ayres placed § 87(2)(b) in handcuffs without resistance. PO Ayers walked § 87(2)(b) out of the building without incident. Upon bringing § 87(2)(b) into the stairwell, PO Ayers met PO Bulzoni who exited the building with PO Ayers and § 87(2)(b). No officers stated, "You're a dickhead. I should make you fall for making me run."

Subject Officer: SGT. MICHAEL FALK

- *Sgt. Falk is a § 87(2)(b) -old, 6', 180 lbs., white male with brown hair and hazel eyes.*
- *On January 13, 2011, Sgt. Falk was assigned to business conditions and worked from 2:50 p.m. until 11:47 p.m. Sgt. Falk worked with PO Ayers and PO Bulzoni and was dressed in uniform.*

Memobook

Sgt. Falk had no memobook entries regarding the incident of January 13, 2011 (encl. D 11-12).

CCRB Statement

Sgt. Falk was interviewed at the CCRB on May 5, 2011 (encl. D 13-16). § 87(2)(g)

On January 13, 2011 at about 8:17 PM, the officers were conducting a vertical patrol of § 87(2)(b) in Brooklyn. While descending a staircase, Sgt. Falk observed two or three individuals, one of whom was identified by the investigation as § 87(2)(b) who ran when they saw the police. Sgt. Falk did not indicate whether he smelled any marijuana.

Sgt. Falk, PO Bulzoni, and PO Ayers split up and pursued the individuals. § 87(2)(b) was apprehended in the building by PO Ayres and was arrested. Sgt. Falk could not catch up to the individual that he pursued, so he was not present when PO Ayers apprehended § 87(2)(b) and when the arrest occurred. Sgt. Falk responded to the location of arrest and was told by PO Ayers that he found marijuana on § 87(2)(b). No officer ever stated, "You're a dickhead. I should make you fall for making me run." § 87(2)(b) was removed from the building without further incident.

NYPD Documents

SPRINT

The SPRINT indicates that there was a report of two black males inside the staircase of § 87(2)(b) smoking marijuana (encl. E 1-2).

Arrest for Incident and Disposition

- § 87(2)(b) was § 87(2)(b) old at the time of his arrest, so the disposition of the case is unavailable.

Status of Civil Proceedings

- § 87(2)(b) and § 87(2)(b) have not filed a Notice of Claim with the City of New York within 90 days of the incident date (encl. F 20-22).

Civilians Criminal History

- § 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Civilians CCRB History

- § 87(2)(b) has two additional CCRB complaints (encl. B 4):

- § 87(2)(b)

-

- § 87(2)(b) has one additional CCRB complaint (encl. B 5).

- § 87(2)(b)

Subject Officers CCRB History

- PO Bulzoni has been a member of the service for seven years and there are no substantiated CCRB allegations against him (encl. B 1-2).
- Sgt. Falk has been a member of the service for twelve years and there are no substantiated CCRB allegations against him (encl. B 3).

Conclusion

Identification of Subject Officers

- PO Bulzoni and Sgt. Falk acknowledged that they interacted with § 87(2)(b)

Allegations Not Pledged

§ 87(2)(g)

Investigative Findings and Recommendations

Allegation A: PO Frank Bulzoni spoke obscenely to § 87(2)(b)

Allegation B: PO Frank Bulzoni threatened § 87(2)(b) **with the use of force.**

§ 87(2)(b) alleged that PO Bulzoni told him, “You’re a dickhead. I should make you fall for making me run.” § 87(2)(b) stated that these allegations occurred after her ran from the officers and was arrested, inside the staircase, while only he, PO Bulzoni, and PO Ayers were present. PO Bulzoni and PO Ayers confirm chasing § 87(2)(b) and arresting him, but denied that PO Bulzoni made the alleged statements to § 87(2)(b) § 87(2)(g)

§ 87(4-b) § 87(2)(g)

Team: ____3____

Investigator: _____	Inv. Eric Black _____	_____
Signature	Print	Date

Supervisor: _____	_____	_____
Title/Signature	Print	Date

Reviewer: _____	_____	_____
Title/Signature	Print	Date

Reviewer: _____	_____	_____
Title/Signature	Print	Date